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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,331	11/23/2001	Benoist Sebire	017.40863X00	2285
20457	7590	08/25/2004		
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			EXAMINER LEE, TIMOTHY L	
			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 08/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/990,331

Applicant(s)

SEBIRE, BENOIST

Examiner

Timothy Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 25, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Acampora et al. (US 5,148,272)

3. Regarding claims 21 and 32, Acampora et al. discloses an apparatus for breaking up blocks of data into high priority and low priority data. The signal of Acampora et al. is initially compressed in conformance with an MPEG like format, and thereafter, the signal codewords are parsed into two bit streams in accordance with the relative importance of the respective codeword types (identifying a first part of a packet and a second part of said packet). The bit streams of relatively greater and lesser importance are designated high priority and low priority channels respectively, where the different types of data are parsed onto the two channels (transmitting the different parts of the packet of said packet differently). See col. 2, line 64-col. 3, line 10, and col. 4, lines 46-50. To decide which data goes to which channel, Acampora et al. also discloses seeing if a particular check sum exceeds a partial sum to decide how the data should be transmitted—for example, after a particular partial sum exceeds a check sum, then codes of CW#j + 1 to CW#n are assigned to the low priority channel (classifying one of said part and second part differently...based n data in a checksum coverage field of the packet). See col. 10, lines 31-48.

4. Regarding claim 25, Acampora et al. discloses that the data is used in HDTV services, which is a type of multimedia network.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 23, 26, 27, 28, 29, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora et al..

7. Regarding claims 22 and 29, Acampora et al. does not expressly disclose sending the packet using UDP. However, it is well-known in the art to send data in a UDP packet format, and it would have been obvious to send the data of Acampora et al. in UDP format. One would have been motivated to do this so that the data of Acampora et al. could be formatted properly for delivery over the Internet.

8. Regarding claims 23 and 28, Acampora et al. does not expressly disclose sending the different types of data over radio channels. However, it is well-known in the art to send data over radio channels, so it would have been obvious to a person of ordinary skill in the art at the time of the invention to send the data of Acampora et al. over radio channels as opposed to regular transmission lines. One would have been motivated to do this because sending over radio links allows for access to rural areas that do not have access to landlines.

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9. Regarding claim 23 more specifically, Acampora et al. discloses that the high priority channel is transmitted with more power than the low priority channel, so this offers more protection against transmission errors.

10. Regarding claims 26, 27, 33, and 34, Acampora et al. does not expressly disclose where the packet is transmitted over UMTS to a mobile terminal. However, UMTS is well-known in wireless systems and it is also well-known to send data to mobile terminals over UMTS, so it would have been obvious to send the data of Acampora et al. over a UMTS system to a mobile terminal. One would have been motivated to do this because it would provide for faster transmissions over wireless networks.

11. Regarding claim 31, Acampora et al. discloses that the data is used in HDTV services, which is a type of multimedia network.

12. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora et al. in view of Soderkvist et al. (US 6,771,628). Acampora et al. does not expressly disclose using stronger coding in the higher priority channel. Soderkvist et al. discloses using stronger coding schemes for when more protection is needed. See col. 3, lines 40-54. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the stronger coding in the higher priority channel of Acampora et al.. One would have been motivated to do this because it would have provided an additional guarantee the data would arrive at the destination uncorrupted.

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***Response to Arguments***

13. Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703)305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLL  
Timothy Lee  
August 19, 2004

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
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